

1 XINGFEI LUO
2 PO BOX 4886,
3 El Monte, CA 91734

4
5 Petitioner in Pro Se



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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

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11 XINGFEI LUO,
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13 Petitioner,
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15 v.
16 THE PEOPLE OF THE STATE OF
17 CALIFORNIA
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19 Respondent.

No. 8:22-CV-01640-MEMF-KES

**MOTION FOR AN EXTENSION OF
TIME TO FILE A REPLY IN SUPPORT
OF FIRST AMENDED PETITION FOR
WRIT OF HABEAS CORPUS**

Action filed: September 6, 2022

20 Xingfei Luo (Petitioner) respectfully requests that the time to file a reply in support
21 of her first amended petition for writ of habeas corpus (FAP) be extended to **January 19,**
22 **2024**, 60 days after service of the answer was completed.

23 Petitioner's FAP was docketed on June, 26, 2023. ECF 33. While granting
24 Petitioner's motion for leave to file FAP, the court orders Respondent to respond to the
25 FAP within twenty-one (21) days after it is docketed. ECF 32. Respondent's initial
26 deadline to file its answer was July 17, 2023. However, Respondent was granted a total of
27 121 days of extension to file its answer by November 15, 2023. ECF 47.

28 On November 15, 2023 Respondent filed its answer, and the service was completed

1 on November 20, 2023, five days after the answer was mailed. ECFs 50-51. Respondent's
2 answer comprises a comprehensive 121 pages of memorandum of points and authorities,
3 including 16 pages dedicated to legal authorities. Considering the depth and breadth of the
4 legal content contained therein, it is self-evident that a thorough review of these materials
5 would necessitate a significant amount of time.

6 The complexity of the legal authorities presented in Respondent's answer requires
7 careful consideration and analysis by Petitioner. Petitioner, who faces a language barrier
8 as a non-native English speaker, must allocate additional time to ensure a comprehensive
9 understanding of the legal arguments presented. Luo Decl., ¶ 2. Moreover, Petitioner
10 intends to renew her request for discovery. Petitioner is unable to file her renewed request
11 for discovery until she meaningfully analyzes Respondent's answer. The extension of time
12 would allow Petitioner sufficient time to thoroughly review Respondent's submission,
13 conduct the necessary legal research, and prepare her renewed request for discovery and a
14 well-reasoned and comprehensive reply.

15 Respectfully submitted,

16 Date: November 21, 2023

17 /s/ Xingfei Luo
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DECLARATION OF XINGFEI LUO

I, XINGFEI LUO, declare and state:

1. I am the petitioner in this petition. I have personal knowledge of all facts stated herein. If called as a witness, I could and would competently testify thereto.

2. I was born and raised in a foreign country in which English is not an official language. I did not attend any school in the United States. Nor did I receive any legal training in this country.

I declare under penalty of perjury under the laws of the State of California and United States of America that the foregoing is true and correct.

Executed in Los Angeles, CA on November 21, 2023.

/s/ XINGFEI LUO

CERTIFICATE OF SERVICE

I declare that I electronically filed the forgoing with the United States District Court, Central District of California. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

In addition, I electronically served the forgoing to the following email address:

michael.butera@doj.ca.gov

I declare under penalty of perjury under the laws of the State of California and United States of America that the foregoing is true and correct.

Executed on November 21, 2023

/s/ XINGFEI LUO

XINGFEI LUO, In Pro Per